



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: APPLICATION OF

Bhushan PATWARDHAN and  
Aravind H. KAPADI

Application No.: 10/074,146

Filed: February 11, 2002

Title: WITHASOL AND METHODS OF USE

: Group Art Unit: Unknown

: Examiner: Unknown

: Certificate of Mailing Under C.F.R. §1.8

: I hereby certify that this correspondence and all marked  
: attachments are being deposited with the United States  
: Postal Service as first class mail in an envelope  
: addressed to: Assistant Commissioner for Patents,  
: Washington, D.C. 20231 on March 8, 2002.

: By: \_\_\_\_\_

*Kim A. Cabello*  
Kim A. Cabello

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MAR 19 2002

TRANSMITTAL LETTER

OFFICE OF PETITIONS

Hon. Commissioner of Patents  
Washington, D.C. 20231  
Attn: Petitions

Sir:

Transmitted herewith for filing are the following:

1. Petition to Correct Filing Date Under 37 C.F.R. §1.10(c), in duplicate;
2. A true and correct copy of Express Mail Mailing Label No. EL 754 073 610 US, which includes the notation "Date In: 02/11/02," and shows the Post Office stamp "Golden Triangle, San Diego, CA Feb.11, 2002, USPS " marked as Exhibit A;
3. A true copy of the Utility Patent Application Transmittal (Small Entity) marked as Exhibit B;
4. A true copy of the Patent office's return receipt postcard, bearing the Express Mail Label No. EL 754 073 610 US and dated February 11, 2002, marked as Exhibit C.;  
and
5. A return postcard.

The Commissioner is hereby authorized to charge any fee, including any submitted herewith, if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account 03-3975. A duplicate of this Transmittal is enclosed.

Respectfully submitted,

Pillsbury Winthrop LLP

By: \_\_\_\_\_

  
Robert M. Bedgood, Ph.D.

Reg. No.: 43,488

Tel. No.: (858) 509-4065

Fax No.: (858) 509-4010

Pillsbury Winthrop LLP  
50 Fremont Street  
P. O. Box 7880  
San Francisco, CA 94105

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
059012/0282083Total Pages in this Submission  
4**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**WITHASOL AND METHODS OF USE**

and invented by:

**Bhushan Patwardhan and Aravind H. Kapadi**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 71 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
059012/0282083

Total Pages in this Submission  
4

**Application Elements (Continued)**

☒ Drawing(s) (when necessary as prescribed by 35 USC 113)

a. ☒ Formal      b. ☐ Informal      Number of Sheets 7

4. ☐ Oath or Declaration

- a. ☐ Newly executed (*original or copy*)      ☐ Unexecuted  
b. ☐ Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)  
c. ☐ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (*usable if Box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche

7. ☐ Genetic Sequence Submission (*if applicable, all must be included*)

- a. ☐ Paper Copy  
b. ☐ Computer Readable Copy  
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers (*cover sheet & documents*)

9. ☐ 37 CFR 3.73(b) Statement (*when there is an assignee*)

10. ☐ English Translation Document (*if applicable*)

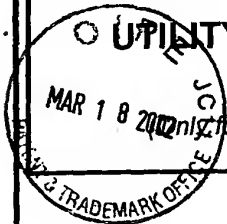
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing

☐ First Class      ☒ Express Mail (*Specify Label No.*): EL 754073610 US



**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
059012/0282083

Total Pages in this Submission  
4

**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☐ Additional Enclosures (please identify below):

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

**An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
059012/0282083

Total Pages in this Submission  
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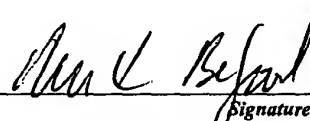
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	72	- 20 =	52	x \$9.00	\$468.00
Ind p. Claims	3	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$140.00
BASIC FEE					\$370.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$978.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 03-3975 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$978.00 as filing fee.
- ☒ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: February 11, 2002

  
\_\_\_\_\_  
Signature  
Robert M. Bedgood  
Reg. No. 43,488

cc: SF Docketing  
Roberta Miles

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **Patwardhan, et al.**

Docket No.

**059012/0282083**

Serial No.

NYA

Filing Date

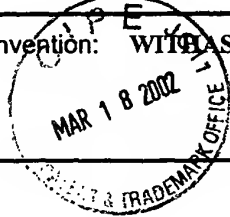
Concurrently Herewith

Examiner

NYA

Group Art Unit

NYA

Invention: **WITOLASOL AND METHODS OF USE**I hereby certify that this Utility Patent Application and corresponding documents*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on February 11, 2002  
*(Date)*

Linda Anders*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in cursive script, appearing to read "Linda Anders".

*(Signature of Person Mailing Correspondence)*EL 754073610 US*("Express Mail" Mailing Label Number)***EL754073610US****RECEIVED****MAR 19 2002****OFFICE OF PETITIONS**

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MAR 19 2002

OFFICE OF PETITIONS

Patent Appln. No. *N/A* PW File No. *059012/0292083* By: *RMB*

In the Matter of the Application of: *Patwardhan, et al.*

Title: *Withanol and methods of use*

Date Mailed: *2-11-02*

Due Date: *—*

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input checked="" type="checkbox"/> Transmittal letter	<input type="checkbox"/> Request For <i>—</i>
<input checked="" type="checkbox"/> Patent Application <i>Utility</i>	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> <i>11</i> pgs. Specification including <i>72</i> Claims, Abstract	<input checked="" type="checkbox"/> Certificate of Mailing <i>EL 754073610 US</i>
<input checked="" type="checkbox"/> Drawings <i>7</i> sheets <input checked="" type="checkbox"/> formal <input type="checkbox"/> informal	<input checked="" type="checkbox"/> Express Mail Certificate No. <i>754073610 US</i>
<input type="checkbox"/> Oath/Declaration	<input type="checkbox"/> Certificate under § 3.73(b)
<input type="checkbox"/> Assignment w/form PTO-1595	<input type="checkbox"/> Certificate of Correction (PTO Form 1050)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Fee Transmittal
<input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)	<input type="checkbox"/> Petition for <i>—</i>
<input type="checkbox"/> Information Disclosure Statement, PTO-1449 w/ <i>—</i> refs.	<input checked="" type="checkbox"/> Other: <i>reply postcard</i>
<input type="checkbox"/> Check \$ <i>—</i>	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Request for Extension of Time ( <i>—</i> months) (patent)	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Letter to Official Draftsperson	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Maintenance Fee Transmittal	<input type="checkbox"/> <i>—</i>
<input type="checkbox"/> Non Publication Request	<input type="checkbox"/> <i>—</i>

11046 U.S. PTO

10/074146

02/11/02





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: APPLICATION OF : Group Art Unit: Unknown  
Bhushan PATWARDHAN and : Examiner: Unknown  
Aravind H. KAPADI  
Application No.: 10/074,146 : Certificate of Mailing Under C.F.R. §1.8  
Filed: February 11, 2002 : I hereby certify that this correspondence and all marked  
Title: WITHASOL AND METHODS OF USE : attachments are being deposited with the United States  
Postal Service as first class mail in an envelope  
addressed to: Assistant Commissioner for Patents,  
Washington, D.C. 20231 on March 8, 2002.  
By: KA Cabello  
Kim A. Cabello

**PETITION TO CORRECT FILING DATE UNDER 37 C.F.R §1.10(c)**

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MAR 19 2002

OFFICE OF PETITIONS

Hon. Commissioner of Patents  
Washington, D.C. 20231  
Attn: Petitions

Sir:

Applicants petition to correct the filing date of the above-captioned application under 37 C.F.R. §1.10(c). The actual filing date of the application was February 11, 2002, whereas the Patent Office records incorrectly indicate that the filing date is January 11, 2002. This Petition should be granted in view of the following:

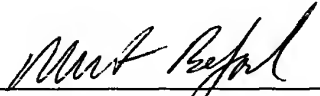
1. The above-identified application was filed by Pillsbury Winthrop, LLP on February 11, 2002 via U.S. Postal Service Express Mail Post Office to Addressee EL 754 073 610 US. A true and correct copy of Express Mail Mailing Label No. EL 754 073 610 US, which includes the notation "Date In: 02/11/02," and shows the Post Office stamp "Golden Triangle, San Diego, CA Feb.11, 2002, USPS " is attached hereto as Exhibit A.

2. The application was transmitted together with a Utility Patent Application Transmittal (Small Entity) which was executed by Robert M. Bedgood. The Certificate of Mailing by "Express Mail" (37 C.F.R. 1.10) thereon was dated February 11, 2002 and was executed by Linda Anders. A true copy of the Utility Patent Application Transmittal (Small Entity) is attached hereto as Exhibit B.
3. A true copy of the Patent office's return receipt postcard, bearing the Express Mail Label No. EL 754 073 610 US and dated February 11, 2002, is attached hereto as Exhibit C. The return receipt postcard is stamped with the USPTO barcode, application serial number 10/074,146 and incorrect filing date of January 11, 2002.

Because the error was on the part of the Patent Office, applicant believes that no fee is due for the submission of this Petition. However, if a fee is due for submission of this Petition, the Honorable Commissioner is authorized to charge said fee to Deposit Account No. 03-3975 under Order No. 059012-282083. A copy of this Petition is submitted in duplicate.

Respectfully submitted,  
Pillsbury Winthrop LLP

By: \_\_\_\_\_

  
Robert M. Bedgood, Ph.D.  
Reg. No.: 43,488  
Tel. No.: (858) 509-4065  
Fax No.: (858) 509-4010

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